

# United States v. City of Newark, et al., Civil Action No. 16-1731 (MCA) (MAH)

## CONSENT DECREE

### Independent Monitor - Eleventh Quarterly Report

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Independent Monitor  
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**ELEVENTH QUARTERLY REPORT  
(July 1, 2019 – September 30, 2019)**

**I. EXECUTIVE SUMMARY OF ELEVENTH QUARTER’S ACTIVITIES  
(JULY 1, 2019 – SEPTEMBER 30, 2019)**

This is Independent Monitor Peter C. Harvey’s Eleventh Quarterly Report, which comments on the City of Newark’s (the “City”) and Newark Police Division’s (“NPD”) progress with Consent Decree reforms during the period from July 1, 2019 to September 30, 2019.<sup>1</sup> For a more detailed introduction to the Independent Monitoring Team, the Consent Decree, and the Parties to the Consent Decree, please see the Monitoring Team’s website:

<https://www.newarkpdmonitor.com/>.

**Appendix A** provides a list of this quarter’s key Consent Decree events.

**Appendix B** is the Monitoring Team’s Compliance Chart, which shows the status of NPD’s compliance with all Consent Decree requirements through the publication of this Quarterly Report.

**Appendix C** provides the status of NPD’s Consent Decree-related trainings.

**Appendix D** provides the status of all of NPD’s new or revised Consent Decree policies (“General Orders”).

**II. DETAILED STATUS UPDATES**

Section II.A. provides an update on NPD’s Internal Affairs process, summarizing the results of investigations into the Internal Affairs process by DOJ and the Monitoring Team, NPD’s finalizing of two new or revised Internal Affairs policies, and NPD’s progress in developing a Procedural Manual for the Internal Affairs Unit, known as the Office of Professional Standards (“OPS”).

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<sup>1</sup> Unless otherwise stated, the City’s and NPD’s progress with respect to Consent Decree tasks this Quarterly Report describes as of September 30, 2019.

Section II.C. discusses the Monitoring Team’s review of NPD records related to a January 28, 2019 officer-involved shooting.

**A. Internal Affairs**

i. *DOJ’s Investigation into NPD’s Internal Affairs Process*

Consent Decree Paragraphs 112 to 155 are intended to correct deficiencies in the daily operation of NPD’s Internal Affairs Unit as identified by the United States Department of Justice (“DOJ”) in 2014. These deficiencies were first revealed in September 2010, when the American Civil Liberties Union (“ACLU”) of New Jersey petitioned the DOJ to investigate the NPD, alleging that officers had engaged in a pattern or practice of conduct that violated citizens’ constitutional rights.<sup>2</sup> The DOJ investigated and, in July 2014, issued a report on its findings.<sup>3</sup>

In its report, the DOJ identified the following deficiencies in NPD’s Internal Affairs processes: (i) a failure to collect evidence from complainants, (ii) a failure to objectively assess evidence from officers, complainants, and witnesses, (iii) unequal treatment of officer and complainant histories, (iv) a pattern of discouraging complainants from coming forward by giving them *Miranda* warnings, and (v) flawed application of discipline, including the absence of disciplinary findings or action.<sup>4</sup>

ii. *NPD’s Policy Development to Address Deficiencies*

NPD has put into effect three policies to address its internal affairs-related deficiencies identified in DOJ’s 2014 report, and to comply with requirements of the Consent Decree. Section XI of the Consent Decree (Paragraphs 112 to 149) provides, in part, that “NPD

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<sup>2</sup> The ACLU’s petition can be found on the Monitor’s website at <https://www.newarkpdmonitor.com/wp-content/uploads/2016/06/aclu-doj-petition.pdf>.

<sup>3</sup> See Investigation of the Newark Police Department, United States Department of Justice, Civil Rights Division and United States Attorney’s Office, District of New Jersey, dated July 22, 2014. (Add Website jump cite)

<sup>4</sup> See *id.* at 38-41.

and the City will establish policies and procedures directing that all allegations of officer misconduct are received and fully and fairly investigated . . . and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent.”

Pursuant to this portion of the Consent Decree, NPD developed or revised three policies: (1) *Responsibilities of Command and Supervisory Personnel* (G.O. 80-1); (2) *Complaint Intake & Investigations Process* (G.O. 18-25); and (3) *Disciplinary Process and Matrix* (G.O.18-26). NPD finalized these later two policies (G.O. 18-25 and G.O. 18-26), following DOJ and Monitoring Team approval, on August 29, 2019 and September 9, 2019, respectively. These two policies were the final policies that the Consent Decree required NPD to create or revise. The Monitoring Team commends NPD for its consistent resolve to reform its policies.

General Order 80-1, *Responsibilities of Command and Supervisory Personnel*, was revised to reflect changes to the responsibilities of command and supervisory officers as they pertain to the performance of all units and personnel under their direction.

General Order 18-25, *Complaint Intake & Investigations Process* requires that citizens who file complaints are treated respectfully, and that accusations against NPD personnel are taken seriously. For example, the policy requires that, at the conclusion of an investigation of alleged misconduct by a member of NPD, if the allegation is determined to be *Unfounded*, *Not Sustained* or the officer is *Exonerated*, complainants will receive a written explanation of why that result was reached. It is important for citizens to be able to track the results of a complaint, and at minimum, know that it has been investigated. Additionally, NPD officers accused of misconduct will be subject to audio or video-recorded interviews rather than being allowed to

submit written statements as they have in the past. NPD reports to the Monitoring Team that it has installed secure Drop Boxes to receive complaints in all seven of its precincts.

General Order 18-26, *Disciplinary Process and Matrix*, provides a clear framework for what discipline officers should expect to receive for misconduct, reduces the number of vague charges that can conceal the nature of an officer's misconduct, and removes some degree a supervisor's ability to impose (or withhold) punishment in order to protect officers from bias or undue favor.

Unfortunately, after NPD adopted its final two Consent Decree-required policies, the Superior Officers Association filed grievances with the Public Employment Relations Commission ("PERC") challenging both General Orders in the grounds that they allegedly violate the collective bargaining agreement. The City reported to the Monitoring Team that it has postponed implementation of both General Orders until it obtains a final decision from PERC. The Monitoring Team will continue to report on the status of these General Orders in future Quarterly Reports.

iii. *NPD's Development of a Procedural Manual*

In 2018, the DOJ contracted with a third-party vendor to assist NPD in developing an Internal Affairs investigations procedural manual ("Procedural Manual"). This manual will provide investigative guidance and protocols for detectives assigned to the Internal Affairs/OPS Unit. During this reporting period, NPD and the Monitoring Team reviewed the vendor's draft Procedural Manual. The Monitoring Team will report its recommendations with respect to the manual in the Twelfth Quarterly Report, covering the period October 1 through December 31, 2019.

The development of the Procedural Manual is an outgrowth of NPD's discussions with the Monitoring Team during the course of its policy development concerning complaint

investigation. While the policy sets forth guiding principles for conducting a comprehensive investigation, it does not contain a detailed manual that can serve as a reference for officers who are actually performing these investigations. It is critical to have best investigatory practices memorialized so that they serve as a benchmark for quality investigations, ensure uniformity and careful investigative processes, and serve as a guide for officers during the course of their investigations. NPD opted to place its “how to do it” instructions in a Procedural Manual, a decision that the Monitoring Team endorses.

A little history is useful for context. As reported in the Independent Monitor’s Sixth Quarterly Report (April 1, 2018 – June 30, 2018), the Monitoring Team reviewed NPD’s Internal Affairs/OPS Unit, and the investigations that were conducted and closed by NPD in 2015 and 2016.<sup>5</sup> The focus of the review was twofold: (1) to analyze the quality and consistency of NPD’s Internal Affairs investigations of alleged NPD officer misconduct, and (2) to understand the general operation of the Internal Affairs/OPS Unit during 2015 and 2016.

The Monitoring Team made a number of findings, including the following:

- NPD’s use of certain misconduct classifications, such as *Neglect of Duty*, were too broad and unspecific such that these categories did not state the seriousness of the conduct at issue.
- NPD had a policy of sending complainants letters with language that could potentially intimidate or discourage citizens from filing a complaint.
- NPD had routinely predated Closure Letters, which advise complainants of the completion and result of the investigation, before the letters had received supervisory review signatures. This practice gave the appearance that the decision on the complaint had been determined prior to supervisory review of the actual investigative file.

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<sup>5</sup> For a more detailed discussion on the review, please see the Monitor’s Sixth Quarterly Report, Section III.B (available on the Monitor’s website at [https://www.newarkpdmonitor.com/wp-content/uploads/2019/01/Sixth-Quarterly-Report\\_1.16.19.pdf](https://www.newarkpdmonitor.com/wp-content/uploads/2019/01/Sixth-Quarterly-Report_1.16.19.pdf)).

- NPD’s interviews of civilians revealed the following areas of concern: (1) brevity and lack of thoroughness, (2) potential investigative bias, and (3) practices that could be construed as discouraging the filing of complaints and/or complainants from fully participating in the process.
- Officers under investigation were not required to have a *recorded in-person* interview, but instead were allowed to sit in a room, document – separate from the detective investigating the complaint and write their recollection using an administrative report (Form 1001).
- OPS detectives engaged in inconsistent application of the preponderance of the evidence standard and failed to provide sufficient evidence to justify credibility determinations.
- NPD had not zealously pursued administrative investigations after the Essex County Prosecutor’s Office declined to prosecute the matter as a criminal offense.

While the Monitoring Team’s review was limited to internal affairs cases investigated and closed between 2015 and 2016—a time period that predates many of NPD’s reform efforts under the Consent Decree—the Monitoring Team’s findings helped its Subject Matter Experts identify areas for future examination and issues for which NPD could take corrective measures within OPS. Hence, this analysis informed both Parties and the Monitoring Team’s review and NPD’s revisions to its internal affairs policies. It also contributed to NPD’s ongoing efforts to develop a Procedural Manual related to internal affairs.

**B. January 28, 2019 Officer-Involved Shooting**

On January 28, 2019, an NPD officer shot and killed a civilian and shot and seriously injured another civilian following a traffic stop and motor vehicle chase (the “shooting”). The Essex County Prosecutor’s office conducted an investigation of the incident and, on May 21, 2019, a grand jury sitting in Essex County returned an indictment against the officer charging him with several criminal offenses. Shortly after the incident, in February 2019, the Monitoring Team requested NPD’s records related to the incident, pursuant to Paragraph 201 of the Consent Decree. For several months, NPD refused to provide information related to the

shooting, citing its interpretation of the New Jersey Attorney General's guidelines on the investigation of officer-involved shootings as justification for withholding the materials. Ultimately, the NPD produced documents and videos related to the shooting on July 17, 2019 after the Monitor raised the issue during a July 9, 2019 status conference before the Honorable Madeline Cox Arleo, United States District Judge for the District of New Jersey.

NPD's production included body-worn and in-car camera video from officers who were involved in the shooting. In some instances, NPD provided multiple videos for each officer. NPD also produced use of force, incident, arrest, and tow reports from officers who were, to varying degrees, involved in the event.

The Monitoring Team reviewed these materials to identify possible recommendations for improving NPD's policies and/or practices. [See Consent Decree ¶ 181 ("The Monitor may make recommendations to the Parties regarding any relevant issues, including measures the Monitor believes are necessary to ensure timely, full, and effective implementation of [the Consent Decree] and its underlying objectives.")] The Monitor is not *required* by the Consent Decree to offer any recommendations based on its review of the materials. Importantly, any recommendations that the Monitoring Team might choose to offer are *not* Consent Decree requirements. Thus, NPD is not obligated to implement or adopt *any* recommendation offered by the Monitoring Team related to its recommendations.

The Monitoring Team's review did not, in any way, assess the criminal or civil liability of any officers involved in the shooting, nor did it analyze whether administrative discipline of any officer is warranted. As of the publishing of this Quarterly Report, the Monitoring Team has not provided any formal recommendations to NPD regarding this incident.

**III. NEXT QUARTER ACTIVITIES (OCTOBER 1– DECEMBER 31, 2019)**

**A. Audits**

As reported in the Independent Monitor’s Ninth Quarterly Report, on May 24, 2019, the Monitoring Team provided NPD with notice that it would soon initiate an audit of NPD’s body-worn cameras to assess NPD’s compliance with its revised Body-Worn Camera policy. As of the publication of this Quarterly Report, the Monitoring Team has completed its audit of NPD’s Body-Worn Cameras.

The Monitoring Team will report on the audit’s findings in the Twelfth Quarterly Report, covering the period from October 1, 2019 through December 31, 2019.

**IV. APPENDICES**

- A. Chronology of Key Events**
- B. Compliance Chart**
- C. Training Administration Status Update Chart**
- D. Policy Status Update Chart**

# **Appendix A**

**Timeline (Meetings, Milestones and Events)****Monitoring Team's Eleventh Quarterly Report — July 1, 2019 through September 30, 2019.**

Date	Event
<b>July 9, 2019</b>	Status conference before the Honorable Madeline Cox Arleo, United States District Court Judge for the District of New Jersey.
<b>July 30, 2019</b>	Kick off meeting attended by members of the Monitoring Team and members of NPD to discuss the Monitoring Team's First Body-Worn Camera audit.
<b>August 7, 2019</b>	NPD posts its Community Engagement Report for the Second Quarter of 2019 on its website.
<b>August 9, 2019</b>	The Monitoring Team releases its Eighth Quarterly Report.
<b>August 12, 2019</b>	Meeting attended by a member of the Monitoring Team and members of the NPD to discuss youth engagement efforts.
<b>August 27, 2019</b>	NPD hosts a community event to discuss its bias-free policing training.
<b>August 29, 2019</b>	NPD's <i>Complaint Intake &amp; Investigations Process</i> policy (GO 18-25) goes into effect.
<b>September 9, 2019</b>	NPD's <i>Disciplinary Process and Matrix</i> policy (GO 18-26) goes into effect.
<b>September 16, 2019</b>	NPD hosts a community event at Newark Unity Fellowship Church to discuss its LGBTQ Community and Police Interactions Policy training.
<b>September 17, 2019</b>	Members of the Monitoring Team inspect NPD precinct and special unit property rooms.

# **Appendix B**

**Consent Decree Compliance and Implementation  
(March 30, 2016 to April 27, 2020)**

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## **I. Definitions**

NPD's compliance with the deadlines set forth in the Consent Decree and the Second-Year Monitoring Plan will be assessed using the following categories: (1) not assessed, (2) initial development, (3) preliminary compliance, (4) operational compliance, (5) non-compliance, (6) administrative compliance, and (7) full compliance. Each of these terms is defined below.

### **1. Not Assessed**

"Not Assessed" means that the Monitoring Team did not assess the Consent Decree provision during this reporting period. Acceptable reasons for why a requirement was not assessed may include that the deadline has not passed or some other substantive reason.

### **2. Initial Development**

"Initial Development" means that during the auditing period, NPD has taken meaningful steps toward achieving compliance with a Consent Decree requirement that is not yet scheduled for completion. Initial Development will be noted only if NPD's efforts are consistent with established timeframes in the Monitoring Plan or Consent Decree. Where NPD was expected to have achieved at least Initial Development during the auditing period, and has not, NPD has been found not to be in compliance.

### **3. Preliminary Compliance**

"Preliminary Compliance" means that during the reporting period, NPD has developed, and the Independent Monitor, DOJ, and City have approved, respective policies or standard operating procedures ("SOPs") and related training materials that are consistent with a Consent Decree requirement. This category only applies to SOPs and training.

### **4. Operational Compliance**

"Operational Compliance" means that NPD has satisfied a Consent Decree requirement by demonstrating routine adherence to the requirement in its day-to-day operations or by meeting the established deadline for a task or deliverable that is specifically required by the Consent Decree or Monitoring Plan. NPD's compliance efforts must be verified by reviews of data systems, observations from the Monitoring Team, and other methods that will corroborate its achievement. In this report, the Monitoring Team only will assess NPD for compliance with established deadlines.

### **5. Non-Compliance**

"Non-Compliance" means that NPD has either made no progress towards accomplishing compliance, or has not progressed beyond Initial Development at the point in time when NPD is expected to have at least achieved Preliminary Compliance for the reporting period.

**6. Administrative Compliance**

“Administrative Compliance” means that during the auditing period, NPD has completed all necessary actions to implement a Consent Decree requirement, but General Compliance has not yet been demonstrated in NPD’s day-to-day operations.

**7. Full Compliance**

“Full Compliance” means that all Monitor reviews have determined that NPD has maintained Operational Compliance for the two-year period.

**8. Effective Date**

The “Effective Date” is March 30, 2016. *See* Consent Decree, Section II(4)(s).

**9. Operative Date**

The “Operational Date” is July 12, 2016. *See* Consent Decree, Section II(4)(ff).

**II. General Officer Training**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement<sup>1</sup></b>	<b>Status</b>	<b>Discussion</b>
NPD will provide officers at least 40 hours of in-service training each year.	¶ 9	Within two years of the Effective Date (March 30, 2018) and then annually thereafter	Ongoing	Eight hours of community policing training was provided in 2019.
NPD will provide training to officers regarding the requirements of the Consent Decree, and the timeline for their implementation.	¶ 10	Within 90 days of the Operational Date (October 10, 2016)	Preliminary Compliance	See First Quarterly Report, Section IV(B).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of individual policies	N/A	The status for training requirements for each Consent Decree area (e.g., use of force, bias-free policing), are located in those sections of this Chart.

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<sup>1</sup> Deadlines in the Compliance Chart reflect the original deadlines set forth in the Consent Decree. The deadlines do not reflect deadlines established as part of the First or Second-Year Monitoring Plans.

**General Officer Training (Continued)**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement<sup>1</sup></b>	<b>Status</b>	<b>Discussion</b>
NPD will maintain complete and consistent training records for all officers.	¶ 12	Within two years of the Effective Date (March 30, 2018) <sup>2</sup>	Initial Development	<p>NPD reports that it has entered all training records into PowerDMS.</p> <p>The Monitor will assess this requirement during compliance audits.</p>

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<sup>2</sup> Consent Decree Paragraph 5 provides that “NPD will develop comprehensive and agency-wide policies and procedures that are consistent with and incorporate all substantive requirements of this Agreement. Unless otherwise noted, NPD will develop and implement all such policies, procedures, and manuals within two years of the Effective Date.”

**III. Community Engagement and Civilian Oversight (including Community Policing)**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will review and revise its current community policing policy or policies to ensure compliance with Consent Decree.	§ V; ¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Non-Compliance	The Monitor will assess this requirement during compliance audits.
<b>Civilian Oversight (¶ 13)</b>				
The City will implement and maintain a civilian oversight entity.	¶ 13	Within 365 days of the Effective Date (March 30, 2017)	Non-Compliance	See Sixth Quarterly Report, Section III(A)(2).
<b>Community Engagement Measures and Training (¶¶ 14-21)</b>				
NPD will provide 8 hours of in-service training on community policing and problem-oriented policing methods and skills for all officers, including supervisors, managers and executives, and at least 4 hours annually thereafter.	¶ 14	July 9, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will assess and revise its staffing allocation and personnel deployment to support community policing and problem solving initiatives, and will modify deployment strategies that are incompatible with community policing. NPD's assessment and modified strategy must be approved by the DOJ and Monitor.	¶ 15	July 9, 2017	Non-Compliance	See Eighth Quarterly Report, Section II(A).
NPD will assign two officers to each precinct to work with residents to identify and address communities' priorities, and who are not assigned to answer calls for service except in exigent circumstances.	¶ 16	Pending completion of the assessment required in ¶ 15	Initial Development	See Seventh Quarterly Report, Section II(A)(1).

**Community Engagement and Civilian Oversight (including Community Policing) Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will implement mechanisms to measure the breadth, extent, and effectiveness of its community partnerships and problem-solving strategies, including officer outreach, particularly outreach to youth.	¶ 17	Within 210 days of the Operational Date (February 7, 2017)	Initial Development	See Seventh Quarterly Report, Section II(A)(1).
NPD will prepare a publicly available report of its community policing efforts overall and in each precinct.	¶ 18	Within 240 days of the Operational Date March 9, 2017	Initial Development	See Ninth Quarterly Report, Section II(E).
NPD and the City will implement practices to seek and respond to input from the community about the Consent Decree's implementation. Such practices may include direct surveys, comment cards and town hall meetings.	¶ 19	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Ninth Quarterly Report, Section II(E).
All NPD studies, analyses, and assessments required by this Agreement will be made publicly available, including on NPD and City websites, in English, Spanish, and Portuguese, to the fullest extent permitted under law.	¶ 20	Within two years of the Effective Date (March 30, 2018)	Not Assessed	
NPD will implement a policy to collect and maintain all data and records necessary to facilitate transparency and wide public access to information related to NPD policies and practices, as permitted by law.	¶ 21	Within two years of the Effective Date (March 30, 2018)	Not Assessed	

## IV. Stops, Searches, and Arrests

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
<b>Investigatory Stops and Detentions (¶¶ 25-28)</b>				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 25-28.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Eighth Quarterly Report, Section II(C).
NPD will train officers to use specific and individualized descriptive language in reports or field inquiry forms.	¶ 26	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Fourth Quarterly Report, Section III(C)(3).
<b>Searches (¶¶ 29-34)</b>				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 29-34.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.

**Stops, Searches, and Arrests Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Arrests (¶¶ 35-42)</b>				
NPD will review and revise its current stop, search, and arrest policy or policies to ensure compliance with Consent Decree, consistent with Paragraphs 35-42.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the stop, search, and arrest policies or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
<b>Stop, Search, and Arrest Training (¶¶ 43-50)</b>				
NPD will provide 16 hours of training to all NPD personnel on the First and Fourth Amendments, including the topics set forth in ¶ 43 of the Consent Decree, and at least an additional 4 hours on an annual basis thereafter.	¶ 43	November 1, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD supervisors will take appropriate action to address violations or deficiencies in stops, detentions, searches, and arrests; maintain records; and identify repeat violators.	¶ 48	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>Stop, Search, and Arrest Data Collection and Review (¶¶ 51-54)</b>				
NPD will implement use of data collection form, in written or electronic report form, to collect data on all investigatory stops and searches, as approved by the DOJ and Monitor.	¶ 52	September 9, 2017	Initial Development	See Tenth Quarterly Report, Section I(C).

**Stops, Searches, and Arrests Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will develop a protocol for comprehensive analysis of stop, search and arrest data, subject to the review and approval of the DOJ and Monitor.	¶ 53	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	
NPD will ensure that all databases comply fully with federal and state privacy standards governing personally identifiable information. NPD will restrict database access to authorized, identified users who will be permitted to access the information only for specific, legitimate purposes.	¶ 54	Within two years of the Effective Date (March 30, 2018)	Not Assessed	
<b>First Amendment Right to Observe, Object to, and Record Officer Conduct (¶¶ 55-62)</b>				
NPD will require or prohibit officer conduct to comply with ¶¶ 55-62 of the Consent Decree.	¶¶ 55-62	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.

**V. Bias-Free Policing**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will review and revise its current bias-free policing policy to ensure compliance with Consent Decree, consistent with Section VII.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will provide all NPD personnel with a minimum of eight hours of training on bias-free policing, including implicit bias, procedural justice, and police legitimacy, and at least four hours annually thereafter.	¶ 63	July 1, 2017	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will prohibit officers from considering any demographic category when taking, or refraining from taking, any law enforcement action, except when such information is part of an actual and credible description of a specific suspect in an ongoing investigation that includes other appropriate non-demographic identifying factors. NPD will also prohibit officers from using proxies for demographic category, including language ability, geographic location, mode of transportation, or manner of dress.	¶ 64	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will conduct quarterly demographic analyses of its enforcement activities to ensure officer, unit and Division compliance with the bias-free policing policy.	¶ 65	Within two years of the Effective Date (March 30, 2018) and then Quarterly thereafter.	Non-Compliance	See Fourth Quarterly Report, Section III(B)(4).

## VI. Use of Force

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
<b>Use of Force Policy (¶¶ 66-70)</b>				
NPD will develop and implement a use of force policy or set of policies that cover all force techniques, technologies, and weapons that are available to NPD officers consistent with ¶¶ 66-70. The policy or policies will clearly define each force option and specify that unreasonable use of force will subject officers to discipline.	¶ 66	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the use of force policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.
NPD will provide resources for officers to maintain proper weapons certifications and will implement sanctions for officers who fail to do so.	¶ 70	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>Use of Firearms (¶¶71-74)</b>				
NPD will develop and implement a use of firearms policy consistent with ¶¶71-74.	¶ 5	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the use of force policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Ninth Quarterly Report, Appendix C.

**Use of Force Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
Officers will be prohibited from using unauthorized weapons or ammunition in connection with or while performing policing duties. In addition, all authorized firearms carried by officers will be loaded with the capacity number of rounds of authorized ammunition.	¶ 71	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will prohibit officers from discharging a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force.	¶ 72	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will prohibit officers from unholstering or exhibiting a firearm unless the officer reasonably believes that the situation may escalate to create an immediate threat of serious bodily injury or death to the officer or another person.	¶ 73	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will require that officers successfully qualify at least twice a year with each firearm they are authorized to use or carry while on duty.	¶ 74	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
<b>Use of Force Reporting and Investigation (¶¶ 75-85)</b>				
NPD will adopt a use of force reporting system and a supervisor Use of Force Report, separate from the NPD's arrest and incident reports, and which includes individual officers' accounts of their use of force.	¶ 75	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will require that officers notify their supervisor as soon as practicable following any reportable use of force.	¶ 76	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.

**Use of Force Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD, in consultation with Monitor and DOJ, will categorize force into levels to report, investigate, and review each use of force. The levels will be based on the factors set forth in ¶ 77.	¶ 77	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
NPD will establish a Serious Force Investigation Team (“SFIT”) to review Serious Force Incidents, conduct criminal and administrative investigations of Serious Force incidents, and determine whether incidents raise policy, training, tactical, or equipment concerns. Lower or intermediate force incidents will be investigated by line supervisors.	¶ 78	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
Every level of force reporting and review will include the requirements set forth in ¶ 79.	¶ 79	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Upon arrival at the scene, the supervisor will identify and collect evidence sufficient to establish the material facts related to use of force, where reasonably available.	¶ 80	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
All officers who used force above Low Level will provide an oral Use of Force statement in person to the supervisor on the scene prior to the subject’s being booked, or released, or the contact otherwise concluded, unless impractical under the circumstances.	¶ 81	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Pursuant to policy and as necessary to complete a thorough, reliable investigation, supervisors will comply with the requirements of ¶ 82.	¶ 82	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Use of Force Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
Supervisors will investigate and evaluate in writing all uses of force for compliance with law and NPD policy, as well as any other relevant concerns.	¶ 83	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
Supervisors' documentation of the investigation and evaluation will be completed within 72 hours of the use of force, unless the supervisor's commanding officer approves an extension.	¶ 84	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will analyze the data captured in officers' force reports and supervisors' investigative reports on an annual basis to identify significant trends, to correct deficient policies and practices, and to document its findings in an annual report that will be made publicly available pursuant to Section XV of the Consent Decree.	¶ 85	Within two years of the Effective Date and annually thereafter (March 30, 2018)	Non-Compliance	
<b>Use of Force Review (¶¶ 86-89)</b>				
The chain-of-command supervisor reviewing the investigative report will ensure that the investigation is thorough, complete, and makes the necessary and appropriate findings of whether the use of force was lawful and consistent with policy. Each higher-level supervisor in the chain of command will review the investigative report to ensure that it is complete, the investigation was thorough, and that the findings are supported by a preponderance of the evidence.	¶ 86	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Use of Force Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
A supervisor should ensure that additional investigation is completed when it appears that additional relevant and material evidence may assist in resolving inconsistencies or improve the reliability or credibility of the findings.	¶ 87	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
When the precinct or unit commander finds that the investigation is complete and the evidence supports the findings, the investigation file will be forwarded to the Use of Force Review Board.	¶ 88	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>Reporting and Investigation of Serious Force Incidents (¶¶ 90-94)</b>				
NPD will create a multi-disciplinary Serious Force Investigation Team (“SFIT”) to conduct both the criminal and administrative investigations of Serious Force incidents, and to determine whether these incidents raise policy, training, tactical, or equipment concerns. SFIT will operate consistent with ¶¶ 91-94.	¶¶ 90-94	Within two years of the Effective Date (March 30, 2018)	Initial Development	NPD has created an All Force Investigation Team (“AFIT”) to address this Consent Decree requirement.
NPD will develop and implement a SFIT training curriculum and procedural manual. NPD will ensure that officers have received, read and understand their responsibilities pursuant to the General Order establishing the AFIT and General Orders establishing line supervisors’ responsibilities to investigate lower and intermediate use of force incidents and that the topic is incorporated into the in-service training required.	¶¶ 11, 90	Within 60 days after approval of policies	Preliminary compliance	

**Use of Force Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Use of Force Review Board (¶¶ 95-102)</b>				
NPD will implement a General Order establishing the Use of Force review Board (“UFRB”), ensure that it is staffed consistent with the Consent Decree provisions, and ensure that the responsibilities assigned are consistent with Consent Decree provisions.	¶¶ 95-102	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD’s UFRB will conduct timely, comprehensive, and reliable reviews of all Intermediate and Serious Force incidents. The UFRB also will conduct the administrative review of incidents in which the ECPO has completed an investigation pursuant to New Jersey Attorney General Directive 2006-05.	¶¶ 95-102	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Each member of the UFRB will receive a minimum of eight hours of training on an annual basis, including legal updates regarding use of force and the Training Section’s current use of force curriculum.	¶ 97	Within 60 days after approval of policies	Not Assessed	The Monitor will assess this requirement during compliance audits.
The NPD will include the civilian oversight entity in the review of completed SFIT investigations, as permitted by law.	¶ 101	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.

**VII. In-Car and Body-Worn Cameras**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will develop, implement and maintain a system of video recording officers' encounters with the public with body-worn and in-car cameras. NPD will develop a policy to designate which cars and officers are exempt from the general in-car and body-worn camera requirements and a policy regarding footage and audio recordings from its in-car and body-worn cameras.	Section IX, ¶¶ 103-104	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.  The Monitor will assess this requirement during compliance audits.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or policies and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Preliminary Compliance	See Eighth Quarterly Report, Section II(C).
NPD will equip all marked patrol cars with video cameras, and require all officers, except certain officers engaged in only administrative or management duties, to wear body cameras and microphones with which to record enforcement activity.	¶ 103	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Eighth Quarterly Report, Section II(C).  The Monitor will assess this requirement during compliance audits.

**VIII. Theft (including Property and Evidence Management)**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will ensure that in all instances where property or evidence is seized, the responsible officer will immediately complete an incident report documenting a complete and accurate inventory of the property or evidence seized, and will submit the property or evidence seized to the property room before the end of tour of duty.	¶ 105	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct regular, targeted, and random integrity audits to detect and deter theft by officers. NPD will employ tactics such as increased surveillance, stings, and heightened scrutiny of suspect officers' reports and video-recorded activities.	¶ 106	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct periodic reviews of the disciplinary histories of its officers who routinely handle valuable contraband or cash, especially those in specialized units, to identify any patterns or irregularities indicating potential risk of theft by officers.	¶ 107	Ongoing	Non-Compliance	N/A

**Theft (including Property and Evidence Management) Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
To the extent permitted by law and NPD's collective bargaining agreements, NPD will transfer officers with any sustained complain of theft, or two not sustained or unfounded complaints of theft occurring within one year, out of positions where those officers have access to money, property, and evidence. Aspects of officers' disciplinary histories that relate to honesty and integrity will be considered in making decisions regarding reassignment, promotions, and similar decisions.	¶ 108	Ongoing	Initial Development	See First Quarterly Report, Section V(C)(6).
NPD will report all theft allegations to the New Jersey Department of Law and Public Safety and will continue to report such allegations to the Essex County Prosecutor. Officers who have been the subject of multiple theft allegations will be identified as such in said reports.	¶ 109	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will create a chain of custody and inventory policy or policies to ensure compliance with ¶ 110 of the Consent Decree.	¶¶ 5; 110	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the chain of custody and inventory policy or policies and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policies	Non-Compliance	See Ninth Quarterly Report, Appendix C.

**Theft (including Property and Evidence Management) Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies.	¶ 111	Ongoing	Initial Development	See Seventh Quarterly Report, Section II(B)

**IX. Internal Affairs: Complaint Intake and Investigation**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Complaint Process (¶¶ 112-120)</b>				
NPD will create an Internal Affairs: Complaint Intake and Investigation policy or policies to ensure compliance with Section XI of the Consent Decree.	¶ 5, Section XI	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the Internal Affairs: Complaint Intake and Investigation policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of policy	Non-Compliance	See Ninth Quarterly Report, Appendix C.
The City and NPD, in collaboration with the civilian oversight entity or other community input, will develop and implement a program to effectively publicize to the Newark community how to make misconduct complaints.	¶ 112	Within 365 days of the Operational Date (July 12, 2017)	Not Assessed	
NPD and the City will revise and make forms and other materials outlining the complaint process and OPS contact information available on their website and appropriate government properties.	¶ 113	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Fifth Quarterly Report, Section III(C)(4).
NPD will accept all complaints, by all methods and forms detailed in ¶ 114.	¶ 114	Ongoing	Initial Development	See Fifth Quarterly Report, Section III(C)(4).

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will provide civilians, including complainants and witnesses to alleged police misconduct, with full access to NPD's complaint process. NPD will review and revise its policies for releasing complaints and misconduct allegations to make such complaints and allegations publicly available and ensure compliance with the Consent Decree.	¶ 115	Ongoing	Initial Development	See Eighth Quarterly Report, Section II(D)(2).
NPD will train all police personnel, including dispatchers, to properly handle complaint intake; the consequences for failing to take complaints; and strategies for turning the complaint process into positive police-civilian interaction.	¶ 116	Within 180 days of the Operational Date (January 8, 2017)	Non-Compliance	
NPD will conduct regular, targeted, and random integrity audits to identify officers or other employees who refuse to accept or discourage the filing of misconduct complaints, fail to report misconduct or complaints, or provide false or misleading information about filing a misconduct complaint.	¶ 117	Ongoing	Non-Compliance	See Seventh Quarterly Report, Section II(C).
NPD will review the results of the audits conducted pursuant to ¶ 117 and take appropriate action to remedy any problematic patterns or trends.	¶¶ 117-118	Ongoing	Not Assessed	See Sixth Quarterly Report, Section III(F)(2)(a).

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will require that all officers and employees report allegations of criminal behavior or administrative misconduct by another NPD officer toward a member of the public, that they may observe themselves or receive from another source, to a supervisor or directly to OPS for review and investigation. When a supervisor receives such allegations, the supervisor will promptly document and report this information to OPS.	¶ 119	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will investigate as a misconduct complaint any information or testimony arising in criminal prosecutions or civil lawsuits that indicate potential officer misconduct not previously investigated by NPD.	¶ 120	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>Complaint Classification and Assignment of Investigative Responsibility (¶¶ 121-125)</b>				
NPD will adopt and implement a complaint classification protocol that is based on the nature of the alleged misconduct, in order to guide OPS in determining where a complaint should be assigned for investigation.	¶ 121	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Fifth Quarterly Report, Section III(A)(5).
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of protocol	Non-Compliance	
NPD's OPS will investigate all allegations of Serious Misconduct as defined in the Consent Decree.	¶ 122	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD shall develop a protocol for determining whether other complaints will be assigned to the subject officer's supervisor, the precinct's Integrity Compliance Officer, or retained by OPS for an administrative investigation. OPS will also determine whether the misconduct complaint warrants a referral to federal or state authorities for a criminal investigation.	¶ 123	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	
OPS will routinely monitor investigations referred to officers' precincts and specialized units for quality, objectivity and thoroughness, and take appropriate action if investigations are deficient. OPS will identify trends in investigative or leadership deficiencies.	¶ 124	Ongoing	Non-Compliance	See Sixth Quarterly Report, Section III(B)(6).
OPS will routinely monitor investigations referred to officers' precincts and specialized units for quality, objectivity and thoroughness, and take appropriate action if investigations are deficient. OPS will also identify trends in investigative or leadership deficiencies.	¶ 124	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will maintain a centralized numbering and tracking system for all misconduct complaints.	¶ 125	Within two years of the Effective Date (March 30, 2018)	Initial Development	See Fifth Quarterly Report, Section III(C)(4).
<b>Misconduct Complaint Investigation (¶¶ 126-136)</b>				
NPD will review and revise its policies for releasing complaints and misconduct allegations to incorporate the requirements set out in ¶¶ 126-136.	¶¶ 126-136	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of protocol	Non-Compliance	
<b>Parallel Administrative and Criminal Investigations of Officer Misconduct (¶¶ 137-140)</b>				
If after a reasonable preliminary inquiry into an allegation of misconduct, or at any other time during the course of an administrative investigation, the OPS has cause to believe that an officer or employee might have engaged in criminal conduct, the OPS will refer the matter to the ECPO, DOJ, or other law enforcement agency as appropriate.	¶ 137	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
Notwithstanding the referral and unless otherwise directed by the prosecutive agency, NPD will proceed with its administrative investigations. Under no circumstances will OPS compel a statement from the subject officer without first consulting with the Chief or Director and with the prosecuting agency.	¶ 138	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will not automatically end its administrative investigation in matters in which the prosecuting agency declines to prosecute or dismisses after initiation of criminal charges. Instead, NPD will require investigators to conduct a complete investigation and assessment of all relevant evidence.	¶ 139	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will work with DOJ, the ECPO, and the New Jersey Attorney General's Office as appropriate to improve its processes for investigations of use of force incidents and referrals of complaints of police misconduct for criminal investigation.	¶ 139	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.

**Internal Affairs: Complaint Intake and Investigation Continued**

Achievement	Consent Decree Paragraph	Consent Decree Deadline for Achievement	Status	Discussion
<b>Review and Analysis of Investigations (¶¶ 141-143)</b>				
NPD will train OPS supervisors to ensure that investigations are thorough and complete, and that investigators' conclusions and recommendations that are not adequately supported by the evidence will not be approved or accepted.	¶ 141	Within 60 days after approval of policy	Non-Compliance	
NPD will develop and implement a protocol for regular supervisory review and assessment of the types of complaints being alleged or sustained to identify potential problematic patterns and trends.	¶¶ 142-143	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	
<b>Staffing and Training Requirements (¶¶ 144-149)</b>				
Within 30 days of the Operational Date, NPD will review staffing of OPS and ensure that misconduct investigators and commanders possess appropriate investigative skills, a reputation for integrity, the ability to write clear reports with recommendations supported by the evidence, and the ability to assess fairly and objectively whether an officer has committed misconduct.	¶¶ 144, 145	Within 30 days of the Operational Date (August 11, 2016)	Operational Compliance (achieved after deadline)	See Second Quarterly Report.
NPD will use a case management system to track and maintain appropriate caseloads for OPS investigators and promote the timely completion of investigations by OPS.	¶ 146	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will require and provide appropriate training for OPS investigators upon their assignment to OPS, with refresher training at periodic intervals. At a minimum, NPD will provide 40 hours of initial training and eight hours additional in-service training on an annual basis.	¶¶ 147, 148	Within 60 days after approval of protocol and annually thereafter	Non-Compliance	

**Internal Affairs: Complaint Intake and Investigation Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will improve OPS' complaint tracking and assessment practices in accordance with ¶ 149.	¶ 149	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Eighth Quarterly Report, Section II(C).

**X. Compliance Reviews and Integrity Audits**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<p>NPD will conduct integrity audits and compliance reviews to identify and investigate all officers who have engaged in misconduct including unlawful stops, searches, seizures, excessive uses of force; theft of property or other potential criminal behavior; racial or ethnic profiling and bias against lesbian, gay bisexual and transgender persons.</p> <p>The integrity audits will also seek to identify officers who discourage the filing of complaints, fail to report misconduct or complaints, or otherwise undermine NPD's integrity and accountability systems.</p>	¶¶ 150, 151	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	NPD has begun to conduct some integrity audits (e.g., body-worn cameras, and stops). See Seventh Quarterly Report, Section II(D)(2).

**XI. Discipline**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will adopt policies that are consistent and fair in their application of officer discipline, including establishing a formal, written, presumptive range of discipline for each type of violation.	Section XIII	Within two years of the Effective Date (March 30, 2018)	Preliminary Compliance	See Ninth Quarterly Report, Appendix D.
NPD will ensure that officers have received, read and understand their responsibilities pursuant to the policy or procedure and that the topic is incorporated into the in-service training required.	¶ 11	Within 60 days after approval of guidance	Non-Compliance	See Ninth Quarterly Report, Appendix C.
NPD will apply discipline for sustained allegations of misconduct based on the nature and severity of the policy violation and defined mitigating and aggravating factors, rather than the officer's identity, rank or assignment; relationship with other individuals; or reputation in the broader community.	¶ 152	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will implement disciplinary guidance for its personnel that addresses the topics addressed in ¶ 153 of the Consent Decree.	¶ 153	Within 90 days of the Operational Date (October 10, 2016)	Non-Compliance	
NPD will establish a unified system for reviewing sustained findings and applying the appropriate level of discipline pursuant to NPD's disciplinary guidance.	¶ 154	Within two years of the Effective Date (March 30, 2018)	Not Assessed	The Monitor will assess this requirement during compliance audits.
NPD will conduct annual reviews of its disciplinary process and actions.	¶ 155	Annually	Non-Compliance	

**XII. Data Systems Improvement**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Early Warning System (¶¶ 156-161)</b>				
NPD will enhance its Early Warning System (“EWS”) to support the effective supervision and management of NPD officers.	¶ 156	Within one year of the Effective Date (March 30, 2017)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
City will provide sufficient funding to NPD to enhance its EWS.	¶ 156	Within one year of the Effective Date (March 30, 2017)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will develop and implement a data protocol describing information to be recorded and maintained in the EWS.	¶ 157	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will revise its use of EWS as an effective supervisory tool. To that end, the EWS will use comparative data and peer group analysis to identify patterns of activity by officers and groups of officers for supervisory review and intervention.	¶ 158-160	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).
NPD will continue to use its current IAPro software's alert and warning features to identify officers for intervention while further developing and implementing an EWS that is fully consistent with this Agreement.	¶ 161	Ongoing	Not Assessed	The Monitor will assess this requirement during compliance audits.
<b>Records Management System (“RMS”) (¶¶ 162-163)</b>				
NPD will revise its use and analysis of its RMS to make efficient and effective use of the data in the System and improve its ability to interface with other technology systems.	¶ 162	Within two years of the Effective Date (March 30, 2018)	Non-Compliance	See Ninth Quarterly Report, Section II(A).

**Data Systems Improvement Continued**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
City will provide sufficient funding and personnel to NPD so NPD can revise its use and analysis of its Record Management System.	¶ 163	N/A	Non-Compliance	See Ninth Quarterly Report, Section II(A).

**XIII. Transparency and Oversight**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
NPD will make its policies publicly available, and will regularly report information regarding officer use of force; misconduct complaints; and stop/search/arrest data.	¶ 164	Ongoing	Not Assessed	
NPD will work with the civilian oversight entity to overcome impediments to the release of information consistent with law and public safety considerations.	¶ 165	N/A	Not Assessed	
On at least an annual basis, NPD will issue reports, summarizing and analyzing the stop, search, arrest and use of force data collected, the analysis of that data, and the steps taken to correct problems and build on successes.	¶¶ 85, 168	Annually	Non-Compliance	

**XIV. Consent Decree Implementation and Enforcement**

<b>Achievement</b>	<b>Consent Decree Paragraph</b>	<b>Consent Decree Deadline for Achievement</b>	<b>Status</b>	<b>Discussion</b>
<b>Consent Decree Implementation Unit</b>				
The City and NPD will form an interdisciplinary unit to facilitate the implementation of the Consent Decree.	¶ 196	Within 180 days after the Effective Date (September 26, 2016)	Operational Compliance	
The City implementation unit will file a status report with the Court, delineating the items set forth in the Consent Decree.	¶ 197	Within 180 days after the Effective Date (September 26, 2016) and every six months thereafter	Operational Compliance	

# Appendix C

**STATUS OF NPD'S CONSENT DECREE TRAINING****Eleventh Quarterly Report – July 1, 2019 – September 30, 2019**

The following chart notes the status of Consent Decree-related training.

<b>Training</b>	<b>Status</b>
Community-Oriented Policing	<p>Training was administered to all relevant NPD officers in 2018.<sup>1</sup></p> <p>NPD reports that it completed its second year of training on Community-Oriented Policing in 2019.</p> <p>The second-year training was not provided to the Monitoring Team before it was administered and the Monitoring team has not approved it.</p>
Body-Worn and In-Car Cameras	Training has been administered to all relevant NPD officers.
Use of Force	Training has been administered to all relevant NPD officers.
Stops, Searches, and Arrests	<p>Training has been administered to all relevant NPD officers.</p> <p>NPD is developing the second generation of training on Stops, Searches, and Arrests.<sup>2</sup></p>
Bias-Free Policing <sup>3</sup>	NPD began administering its Fair and Impartial Policing Training in February 2020. 2020.
Internal Affairs	NPD developed a draft internal affairs investigations Procedural Manual in collaboration with DOJ's vendor.

<sup>1</sup> NPD administered Community-Oriented Policing training to its officers *prior* to completing its Community-Oriented Policing policy.

<sup>2</sup> Consent Decree Para. 43 requires NPD to “provide all officers with at least 16 hours of training on stops, searches, arrests and the requirements of this Agreement...and at least an additional 4 hours on an annual basis thereafter.”

<sup>3</sup> NPD has not completed all of the training elements with respect to incorporating “scenario-based training that promotes the development and strengthening of partnerships between the police and community;” (§ 14(b)), as it relates to training on community policing and problem-oriented policing methods and skills. NPD intends to incorporate these elements into its Community Policing training.

<b>Training</b>	<b>Status</b>
	The Monitoring Team has provided the Parties with detailed comments to its draft Procedural Manual. The Monitoring Team is conducting a parallel review of NPD's internal affairs training curriculum while the Procedural Manual is revised by NPD.
Property and Evidence Management	NPD must develop a procedural manual and training reflecting Consent Decree-compliant practices.

# Appendix D

**STATUS OF NPD'S CONSENT DECREE POLICIES**

The following chart notes the status of effective Consent Decree-related policies.

<b>GO#</b>	<b>Subject</b>	<b>Consent Decree Provision</b>	<b>Date Adopted by NPD</b>
GO 17-06	Bias-Free Policing	Paragraph 5	September 19, 2017 <i>(Effective September 19, 2017)</i>
GO 18-05	Body Worn Cameras	Paragraph 104	June 5, 2018 <i>(Effective June 5, 2018)</i>
GO 18-06	In-Car Cameras	Paragraph 104	June 5, 2018 <i>(Effective June 5, 2018)</i>
GO 18-20	Use of Force	Paragraphs 66-67	November 8, 2018 <i>(Effective January 1, 2019)</i>
GO 18-21	Use of Force Reporting, Investigation and Review	Paragraphs 66-67	November 8, 2018 <i>(Effective January 1, 2019)</i>
GO 18-22	Firearms and Other Weapons	Paragraphs 66-67	November 8, 2018 <i>(Effective January 1, 2019)</i>
GO 18-14	Consensual Citizen Contacts and Investigatory Stops ("Stops")	Paragraph 5; Section VI	December 31, 2018 <i>(Effective January 10, 2019)</i>
GO 18-15	Searches With or Without a Search Warrant ("Searches")	Paragraph 5; Section VI	December 31, 2018 <i>(Effective January 10, 2019)</i>
GO 18-16	Arrests With or Without an Arrest Warrant ("Arrests")	Paragraph 5; Section VI	December 31, 2018 <i>(Effective January 10, 2019)</i>

GO#	Subject	Consent Decree Provision	Date Adopted by NPD
GO 18-13	Community Policing <sup>1</sup>	Section V	April 4, 2019 <i>(Effective April 4, 2019)</i>
GO 18-24	Property and Evidence Division	Paragraph 110	April 3, 2019 <i>(Effective April 3, 2019)</i>
GO 18-23	Property and Evidence Management	Paragraph 110	April 12, 2019 <i>(Effective April 12, 2019)</i>
GO 19-03	LGBTQI Community & Police Interactions <sup>2</sup>	Not Required	April 3, 2019 <i>(Effective April 3, 2019)</i>
GO 18-12	First Amendment Right to Observe, Object to, and Record Police Activity <sup>3</sup>	Not Required	June 12, 2019 <i>(Effective June 12, 2019)</i>

<sup>1</sup> Attached as an addendum to NPD's Community Policing policy is a Department of Public Safety Memorandum regarding NPD's Neighborhood Policing Plans. Neighborhood Policing Plans are plans designed by Precinct Commanders. The Plans identify neighborhoods within a Precinct for Commanders to provide a more localized approach to problem-solving and crime reduction and involve collaboration between officers, residents, business-owners, faith-based organizations, school officials and other service organization to jointly identify and solve local problems.

<sup>2</sup> Although the Consent Decree requires NPD to "operate without bias based on any demographic category," (*see* Consent Decree § VII), it does not require a standalone policy to address the LGBTQIA community. To help institutionalize its practices, NPD decided to draft a policy dedicated to its stop, search, and arrest of these community members.

<sup>3</sup> The Consent Decree requires NPD to respect the public's First Amendment right and prohibits officers from taking certain actions to discourage the exercise of these rights. (Consent Decree ¶¶ 55-62.) It does not expressly require NPD to create standalone policy to this end, but NPD decided to write such a policy.

GO#	Subject	Consent Decree Provision	Date Adopted by NPD
GO 18-25	Internal Affairs: Complaint Intake & Investigation Process <sup>4</sup>	Section XI	August 21, 2019 ( <i>Effective</i> August 21, 2019) Revised November 15, 2019 ( <i>Effective</i> November 15, 2019)
GO 18-26	Internal Affairs: Disciplinary Process and Matrix <sup>5</sup>	Section XIII	September 9, 2019 ( <i>Effective</i> September 9, 2019)

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<sup>4</sup> On June 19, 2019, NPD promulgated the Responsibilities of Command and Supervisory Personnel policy (GO 80-1). Because the Complaint Intake & Investigation Process policy required command level Supervisors to periodically review the disciplinary histories of subordinate officers, NPD revised this policy to reflect these changes.

<sup>5</sup> After NPD implemented its Internal Affairs: Disciplinary Process and Matrix, the Superior Officers Association filed grievances with the Public Employment Relations Commission (“PERC”) challenging both General Order 18-26 and General Order 18-25, Internal Affairs: Complaint Intake & Investigation Process. Implementation of both policies has been stayed pending a final decision by the Commission.